

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SEAN HUBKEY,  
Plaintiff,  
v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

Case No. [18-cv-02280-JCS](#)

**ORDER TO FILE RESPONSE TO  
MOTION FOR EAJA ATTORNEYS'  
FEES**

Re: Dkt. No. 29

After successfully obtaining remand for further administrative proceedings, Plaintiff Michael Sean Hubkey moved on December 11, 2019 for attorneys' fees pursuant to the Equal Access to Justice Act. *See* dkt. 29. Although Hubkey's attorney states in a declaration (Barasch Decl. (dkt. 29-7) ¶ 6) and in a "Certificate of Meet and Confer" (dkt. 29-8) that the parties agreed to settle the motion for a sum of \$5,500, the request is not presented as a stipulation and does not include a signature from counsel for Defendant the Commissioner of Social Security (the "Commissioner"). Nor has the Commissioner filed any response to the motion.

This Court's local rules require either an opposition brief to or a statement of non-opposition to be filed within fourteen days of the filing of a motion. *See* Civ. L.R. 7-3(a), (b). That deadline has passed, and no response has been filed. The Commissioner is ORDERED to file a response to Hubkey's motion no later than February 18, 2020. If the Commissioner opposes the motion and disputes Hubkey's representation that the parties reached a settlement, the Commissioner must show good cause for his failure to meet the initial deadline for an opposition brief.

**IT IS SO ORDERED.**

Dated: February 11, 2020

  
JOSEPH C. SPERO  
Chief Magistrate Judge